

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
NORTHERN DIVISION  
NO. 2:17-CV-00004-FL**

**SAVE OUR SOUND OBX, INC., THOMAS  
ASCHMONEIT, RICHARD AYELLA, DAVID  
HADLEY, MARK HAINES, JER MEHTA, and  
GLENN STEVENS,**

**Plaintiffs,**

**v.**

**NORTH CAROLINA DEPARTMENT OF  
TRANSPORTATION, JAMES H. TROGDON,  
III, in his official capacity as Secretary of the  
North Carolina Department of Transportation,  
FEDERAL HIGHWAY ADMINISTRATION,  
and JOHN F. SULLIVAN, III, in his official  
capacity as Division Administrator for the  
Federal Highway Administration,**

**Defendants,**

**and**

**DEFENDERS OF WILDLIFE and NATIONAL  
WILDLIFE REFUGE ASSOCIATION,**

**Defendant-Intervenors.**

**PLAINTIFFS' MOTION TO  
COMPEL COMPLETION OF THE  
ADMINISTRATIVE RECORD**

[FED. R. CIV. P. 7(b) AND LOCAL  
RULE 7.1]

Pursuant to Federal Rule of Civil Procedure 7(b) and Local Civil Rule 7.1, and in accordance with the Amended Scheduling Order entered in this case, D.E. 58, Plaintiffs hereby respectfully move the Court for an Order directing Defendants to complete the certified Administrative Record filed in this case by adding all non-privileged documents regarding settlement negotiations between Defendants and Defendant-Intervenors in *Defenders of Wildlife v. North Carolina Department of Transportation*, No. 2:11-CV-35 (E.D.N.C.), to which

Defendant Federal Highway Administration (“FHWA”) was a party or that were in FHWA’s possession prior to April 30, 2015. This includes all settlement-related communications between FHWA and Defendant-Intervenors, the North Carolina Department of Transportation, or other government agencies involved in the Bonner Bridge Replacement Project. In the alternative, Plaintiffs respectfully move the Court for an Order directing Defendants to produce these documents so that the Court may consider them as extra-record evidence. For the reasons set forth in the attached memorandum of law in support of this motion, Plaintiffs respectfully request that the Court grant this motion.

Dated: August 28, 2017

Respectfully submitted,

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Local Civil Rule 83.1 Counsel for Plaintiffs

## CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of August, 2017, I electronically filed a copy of the foregoing document with the Clerk of Court using the CM/ECF system, which will send notification of such filing, and pursuant to Local Civil Rule 5.1(e), shall constitute service upon, the following:

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This the 28th day of August, 2017.

/s/ Bryson C. Smith  
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